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5 *Attorneys for Amici Curiae*

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 ISAI BALTEZAR & JULIE CHO, *et al.*

12 *Plaintiffs,*  
13 v.

14 MIGUEL CARDONA, *in his official*  
15 *capacity as Secretary of Education, &*  
16 *UNITED STATES DEPARTMENT*  
17 *OF EDUCATION,*

18 *Defendants.*

Case No. 20-cv-00455-EJD

**ADMINISTRATIVE MOTION OF  
HOUSING AND ECONOMIC  
RIGHTS ADVOCATES AND THE  
PROJECT ON PREDATORY  
STUDENT LENDING TO FILE AN  
AMICUS CURIAE BRIEF IN  
SUPPORT OF PLAINTIFFS**

Date: March 24, 2022  
Time: 9:00 am  
Place: Courtroom 4, 5th Floor  
Judge: Hon. Edward J. Davila

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Housing and Economic Rights Advocates and the Project on Predatory Student Lending seek  
 3 leave under Local Rule 7-11 to file the attached *amicus curiae* brief in support of the plaintiffs' request  
 4 that this Court vacate the Repeal Rule.

5 **IDENTITY OF MOVANTS**

6 Housing and Economic Rights Advocates (HERA) is a California not-for-profit legal service  
 7 and advocacy organization that provides legal advice, advocacy, and representation to low- and  
 8 moderate-income consumers on a wide range of economic justice issues.

9 The Project on Predatory Student Lending is part of the Legal Services Center of Harvard  
 10 Law School and of Harvard University and represents students against the predatory for-profit  
 11 college industry. The Project was formed in 2012 to combat the massive fraud that was being  
 12 perpetrated against students and taxpayers by for-profit colleges, and government policies that enable  
 13 this predatory industry to continue to cheat borrowers and taxpayers.

14 **THE MOVANTS' INTEREST AND POSITION**

15 Amici curiae represent student borrowers who have been harmed by predatory for-profit  
 16 schools. Through this work, amici have seen the harm to students caused by predatory schools,  
 17 unsustainable debt burdens, and abrupt school closures. In response to a significant increase in  
 18 consumer requests for help from students, HERA's work has increasingly focused on student loan  
 19 debt, and specifically debt incurred while attending abusive for-profit education institutions. Through  
 20 direct services and public workshops, HERA currently helps hundreds of Californians each year  
 21 understand their options and access their rights for unmanageable student debt. These services  
 22 include helping students who have been victimized by predatory for-profit schools with  
 23 administrative complaints and applications for discharge based on school misconduct. HERA is co-  
 24 counsel for debt-burdened former students who are seeking to enforce their right to loan cancellation  
 25

1 under the borrower defense to repayment discharge program in two class actions in federal court:  
 2 *Calvillo Manriquez v. Cardona*, No. 3:17-cv-07210-SK (N.D. Cal. filed Dec. 20, 2017) (borrower defense  
 3 applicants who attended certain programs at the failed for-profit Corinthian Colleges, Inc.), and *Sweet*  
 4 *v. Cardona*, No. 19-cv-3674-WH (N.D. Cal. filed June 25, 2019) (borrower defense applicants who  
 5 attended other programs).

7 The Project represents thousands of former students across the country and litigates high-  
 8 impact cases to protect borrower rights. The Project has litigated cases on behalf of former students  
 9 of for-profit college companies seeking to vindicate their promised right to relief from fraudulently  
 10 induced student loans. *See, e.g., Manriquez v. Cardona*, Case No. 17-cv-07210-SK; *Sweet v. Cardona*, No. 19-  
 11 cv-3674-WH. Many of the Project’s clients are people of color, veterans, or immigrants. Most are the  
 12 first in their family to attend college. The Project’s work in this area supports its broader goals of  
 13 economic justice and racial equality.

15 Because of their close work with and on behalf of former students harmed by the predatory  
 16 for-profit college industry, movants recognize the necessity of regulating for-profit schools. Movants  
 17 are deeply concerned that student borrowers will continue to be harmed without the protections  
 18 established by the 2014 Gainful Employment Rule (GE Rule). Even setting aside the Department of  
 19 Education’s ability to gather new data about student outcomes, the GE Rule’s requirement that  
 20 failing programs carry prominent warnings will at the very least mitigate the information asymmetry  
 21 that allows schools to deceive current and enrolling students about student outcomes.

### 23 **THE MOVANTS’ AMICUS BRIEF WILL BENEFIT THE COURT**

24 District courts have broad discretion to grant leave to participate as amicus curiae in a  
 25 proceeding. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). Movants HERA and the Project have  
 26 “unique information” and a “perspective that can help the Court” because of their work representing  
 27 student borrowers harmed by the for-profit college industry. *NGV Gaming, Ltd. v. Upstream Point Molate*,

*LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246 F.Supp.2d 59, 62 (D.D.C. 2003)). Specifically, the proposed amicus brief illustrates the serious and irremediable harm to student borrowers—movants’ clients—that will continue unabated if the 2019 Repeal Rule is not vacated on remand. This severe and irreparable real-world harm is critical to the Court’s weighing of the equities. Movants therefore are well-positioned to supplement the efforts of the parties and draw the court’s attention to the human toll of leaving the 2019 Repeal Rule in place while the Department, for an indefinite amount of time, considers new rulemaking on the gainful employment issue. *See Sonoma Falls Devs., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal. 2003) (“District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved . . . .”).

Plaintiffs have consented to the filing of the attached *amicus* brief. The Department of Education has not consented.

## CONCLUSION

For the foregoing reasons, the Court should grant proposed amici's request for leave to file the attached amicus brief.

Dated: November 19, 2021

Respectfully submitted,

/s/ Jennifer Bennett  
Jennifer Bennett

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